

Message Text

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ORIGIN EB-03

INFO OCT-01 COME-00 ADP-00 /004 R

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DRAFTED BY: EB/ OA/ AVP: JSRAVATT: DWL

EB/ OA/ AVP: JASILBERSTEIN

NOAA - PPERIDIER

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R 271609 Z JUN 73

FM SECSTATE WASHDC

TO USMISSION GENEVA

UNCLAS STATE 125640

E. O. 11652: N/ A

TAGS: ETRN, CA

SUBJ: ICAO - US TERMINATION/ WITHDRAWAL/ PHASEDOWN NAOS

FOLLOWING SENT SECSTATE FROM MONTREAL ON JUN 26, RPTD TO YOU:

QUOTE

UNCLAS MONTREAL 1310

FROM USREP ICAO

E. O. 11652: N/ A

TAGS: ETRN, CA

SUBJ: ICAO - US TERMINATION/ WITHDRAWAL/ PHASEDOWN NAOS

REF: MONTREAL 1245

1. JOINT SUPPORT MEETING JUNE 21 CONSIDERED JS- WP/863 RE CONSULATIONS PURSUANT ARTICLE XIII REGARDING US PHASEDOWN. POSTPONED DISCUSSION UNTIL AFTER DECISION ON EIGHTH NAOS CONFERENCE. AFTER THAT DECISION, DECIDED THAT MATTER WOULD BE TAKEN UP ON AGENDA THAT MEETING.

2. RE CONSIDERATION JS-864 (US FILING OF WITHDRAWAL NOTICE, ART XIX, SUPPLANTING TERMINATION NOTICE, ART XX). COMMITTEE TOOK DECISION.
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SION THAT FILING WAS " AS OF JUNE 15" - NOT MARCH 20. CANADA STATED THAT NEW DEVELOPMENT WAS " UNDER ADVISEMENT" AND LEFT THE MEETING. (FYI CANADA REP LATER TOLD US REP INFORMALLY THAT PAPERS BEING SIGNED AND BY JUNE 26/27 GOC WOULD " PROBABLY TERMINATE." END FYI.)

3. TEDIOUS DISCUSSION REGARDING IMPLICATIONS: (A) HOW COULD ANY COUNTRY WITHDRAW FROM AGREEMENT WHICH WAS TERMINATED 3 MONTHS EARLIER; (B) COULD THERE BE A WITHDRAWAL FOLLOWED BY WITHDRAWAL OF THE WITHDRAWAL; (C) IS AN ARTICLE XX WITHDRAWAL SUBJECT TO AN ARTICLE XIX TERMINATION. BELGIUM LED QUESTIONING WITH FRANCE, NORWAY PARTICIPATING. GERMANY QUESTIONED WHY IT'S " MILD" PROTEST HAD BEEN MENTIONED IN USG NOTE, WHEN SEVERAL COUNTRIES HAD PROTESTED, SOME OF THEM MUCH MORE STRONGLY.

4. NETHERLANDS FOUND MENTION OF GERMANY IN US NOTE " HUMOROUS" BECAUSE SEVERAL COUNTRIES HAD FILED STRONGER PROTESTS.

5. CHAIR INTERPRETED VARIOUS DEVELOPMENTS AS FOLLOWS: (A) FIRST US ACTION TERMINATED AGREEMENT ON JUNE 30, 1974; (B) SECOND US ACTION EXTENDED AGREEMENT INDEFINITELY BUT WITHOUT US AFTER JUNE 30, 1974; (C) NAOS AGREEMENT WILL TERMINATE NOT LATER THAN JUNE 30, 1975 IN ANY CASE AS RESULT NAOS-7. (D) MOST RECENT US ACTION GIVES STATES OPPORTUNITY TO DEAL WITH JULY 74/ JUNE 75 PERIOD.

6. DIRECTOR LEGAL BUREAU RESPONDED TO QUESTIONS BY BELGIUM: STATES DO NOT HAVE TIME TO EXPRESS OPPOSITION TO WITHDRAWAL -- THEY HAVE TIME TO RESPOND BETWEEN NOW AND JUNE 30, AND THEY HAVE HAD AMPLE TIME TO RESPOND TO FIRST TWO NOTES; CAN TERMINATION BE WITHDRAWN BEFORE GOING INTO EFFECT (FIVE DAYS BEFORE TERMINATION, TILL STATUS AGREEMENT WILL REMAIN IN EFFECT? --- YES, CAN REVOKE ANYTIME PRIOR TO COMING- IN- FORCE, I. E., JUNE 30 (ART 78 - ART 66 VIENNA LAW TREATIES); SOME STATES WERE CONSIDERING TERMINATION -- A STATE CAN TERMINATE ANY TIME UP TO JUNE 30. US DOES NOT CONTINUE TO HAVE OPTIONS, HOWEVER, FRANCE EXPRESSED HOPE THAT " US WOULD NOT FILE SOMETHING ELSE." IT WAS CLARIFIED THAT MOST RECENT US NOTE HAD EFFECT OF TWO NOTES: WITHDRAWAL OF MARCH 20 TERMINATION AND FILING OF JUNE 15 WITHDRAWAL.

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7. DISCUSSION TURNED TOWARD QUESTION WHETHER ARTICLE XX WITHDRAWAL REQUIRED CONFERENCE (WHICH HAD BEEN SET AS RESULT ART XIX WITHDRAWAL) WOULD NOW BE REQUIRED. SEVERAL POINTED OUT THAT CONFERENCE SHOULD BE CONVENED ONLY IF CONSULTATIONS FAILED. CHAIR EXPRESSED CONCERN ABOUT FIFTEEN MONTHS NOTIFICATION FOR RIGHTS AND OBLIGATIONS TO PAY INDICATING SOME REFERENCE TO THEM SHOULD BE MADE IN CONSULTATIONS, AND/ OR INCONFERENCE. (RIGHTS/

OBLIGATIONS FOR 21 ST YEAR WERE WITHDRAWAL AFTER FIRST US ACTION.)
CHAIR SAID EARLY CONFERENCE SEEMS IMPORTANT. SOME STATES
LEANED TOWARD CONSULTATIONS, SOME TOWARD CONFERENCE. FRANCE SAW
SITUATION UNCHANGED, " TO PUT IT BLUNTLY, WE MUST ARRANGE THINGS
WITHOUT THE UNITED STATES." BELGIUM RECOMMENDED ARTICLE XIII CON-
SULTATIONS ON PHASEDOWN; IF COULD NOT AGREE, THEN FINAL CONFERENCE.
SECRETARIAT POINTED OUT THAT THERE ARE NO 20 TH YEAR RIGHTS/
OBLIGATIONS IF ANY STATE WITHDRAWS -- " CONSULTATION" WITHOUT
CLEAR FINANCIAL GUIDANCE USELESS; ALSO WMO WOULD SURELY LIKE TO
KNOW WHAT THE NAOS STATES WILL PLAN TO DO REGARDING THE EXTENSIVE
COORDINATION THAT HAS TAKEN PLACE THUS FAR -- WE SHOULD LET WMO
HAVE SOMETHING BEFORE SEPTEMBER/ DECEMBER.

8. FRANCE SUGGESTED LETTER FROM SECGEN ARTICLE XIII PROBLEM
MENTIONING PHASEDOWN AND BALANCE OF PLANS. NETHERLANDS
PERSISTED IN RATIONAL COURSE PURSUANT ARTICLE XX CONSULTATIONS
AND REPT AND OCTOBER CONFERENCE. PRIMARILY FOR WMO GUIDANCE.
HE WAS FORCED INTO FORMAL PROPOSAL, WITH LANGUAGE LEGALLY
ATTUNE XX AND ACCEPTABLE TO BELGIUM -- THAT IS, IF CONSULTA-
TIONS BY CORRESPONDENCE DO NOT RECNCILE PROBLEM, A CONFERENCE
WILL LIKELY RESULT, PROBABLY IN OCTOBER. ACCEPTED BY CONSENSUS.

9. SECRETARIAT WILL ENDEAVOR DRAFT LETTER CONTAINING SOME ROUGH
INDICATIONS FINANCIAL IMPLICATIONS . LETTER TO BE DISPATCHED
AFTER JUNE 30 DEADLINE FOR OTHER TERMINATION NOTICES. MEANWHILE
SECGEN TO CABLE SUBSTANCE US WITHDRAWAL NOTE TO PARTICIPATING
STATES. (FYI IT WENT OUT SAME DATE JUNE 21 READING AS FOLLOWS:

QUOTE SENT TO OTHER 16 NAOS CONTRACTING STATES. THIS IS TO
ADVISE THAT THE GOVERNMENT OF THE UNITED STATES ON FIFTEEN
JUNE 1973 HAS GIVEN NOTICE OF WITHDRAWAL FROM THE 1954 NAOS
AGREEMENT IN ACCORDANCE WITH ARTICLE TWENTY SUCH WITHDRAWAL TO
BE EFFECTIVE THIRTY JUNE 1974 AND REPLACES THE NOTICE OF TERM-
INATION GIVEN BY THE UNITED STATES ON TWENTY MARCH 1973 (SIGNED)
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*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

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Current Classification: UNCLASSIFIED
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Draft Date: 27 JUN 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: EB/ OA/ AVP: JS GRAVATT: DWL
Enclosure: n/a
Executive Order: n/a
Errors: CORE6
Film Number: n/a
From: SECSTATE WASHDC
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30 JUN 2005

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Subject: ICAO - US TERMINATION/ WITHDRAWAL/ PHASEDOWN NAOS FOLLOWING SENT SECSTATE FROM MONTREAL ON JUN 26,
RPTD TO YOU
TAGS: ETRN, CA
To: GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005